

MINUTES

VILLAGE OF CHESTER PLANNING BOARD

DECEMBER 13, 2016

REGULAR MEETING

PRESENT:

Richard RAMSDELL, Chairman
Robert JANKELUNAS, Member
Anthony LASPINA, Member
Vincent RAPPA, Vice-Chairman
Gene WINTERS, Member
John ORR, Code Enforcement Officer
Shawn ARNOTT, Planning Board Engineer
Harold PRESSBERG, Planning Board Attorney

REGULAR MEETING

Chairman Ramsdell opened the Regular Meeting at 7:00PM.

1. MINUTES

Chairman Ramsdell asked that a determination regarding the November 2016 meeting minutes be held to the January 2017 meeting.

2. CORRESPONDENCE

Response from Orange County Dept. of Planning re: Small Miracles Farm (copy attached).

3. CODE ENFORCEMENT OFFICER REPORT

Presented by John Orr (copy attached).

4. PROJECTS FOR REVIEW

Project # 13-08 Project Name: Elmwood Park Apartments

Applicant/Owner: John Sorrentino

Location: Elm Street (SBL 111-2-7.1 & 2 / RA-B1 Zones)

Re: Construction of apartment complex

Presented By: Mark Siemers, PE, Pietrzak & Pfau Eng & Surveying, PLLC; Ronald Kossar, Attorney

Mark Siemers, PE reviewed the updates submitted for this meeting:

- The Village Board rejected their request to waive the requirement of 3 acres in the Senior District Overlay;
- The applicant submitted an updated site plan, updated short EAF and narrative responding to the public comments received at the October 2015, December 2015, April 2016 and November 2016 meetings;
- Updated site plan has been submitted for a 3 story, 18 unit apartment building;
- Density calculations have been revised and the 2 acres located in the RS zone have been removed from those calculations;
- The playground has been relocated, impervious area is reduced and snow removal area is larger;
- Entire site plan has been revised – grading, sewer, water, erosion control, etc. have all been revised;
- Applicant believes in order to move the project forward they need to complete the developers agreement, conservation agreement, water and sewer and a few other outstanding issues;

Planning Board Engineer Mark Edsall's comments and Shawn Arnott's comments regarding the SWPPP were read into the record by Shawn Arnott, EIT (copy attached). General discussion was held regarding:

- Mark Siemers will submit a notice of intent to the NYS DEC;
- Chairman Ramsdell asked if the grade level entrances would be suitable for handicap access. Mark Siemers advised the ground level entrances would be suitable for handicap access;
- No elevators for access to the upper floors;
- CEO John Orr confirmed this project is no longer proposed Senior housing, so there are no restrictions on the apartments;
- Member Winters asked about the height of the building;
- CEO John Orr advised the applicant that if they are using buildings in the same footprint as Meadow Hill, the height does not conform to the Village Code nor does their ratio of 1:2 bedroom apartments;

- Planning Board Attorney Harold Pressberg advised there are 2 issues before the Board: one is the whether a special permit should be issued, and the second is whether the site plan should be approved. Whether a driveway/access road through a RS zoned property to parcel with a B1/RM use is allowable under the Village's Zoning Code is really an issue for the CEO. The zoning of the driveway/access road is an issue which the Planning Board may be consider in determining whether a special use permit should be granted.

As there were no additional Board comments or questions, Chairman Ramsdell opened up the meeting for public comment:

- David Stevenson of 16 Elm Street requested the Board look into whether the applicant can use the property in the RA zone for access to the property in the B1 zone as he believes the Code does not list the proposed use as an allowable or prohibited use;
- Gordon Shehab of 68 High Street asked if the project proposed leveling the property before construction so that the building is not higher than the surrounding woods, etc;
- Bill Murray asked if the building would be the highest point in the neighborhood.

As there were no other public comments, further discussion was held regarding:

- SEQRA determination;
- The Developers agreement and Conservation agreement are to be prepared by Mark Siemers and sent to Planning Board Attorney Harold Pressberg for review and acceptance;
- Planning Board Attorney Harold Pressberg requested the applicant submit the proposed elevation to show how the proposed building would look on site.

The applicant is on the next Planning Board Work Session agenda on January 5, 2017 at 1:30 PM.

Project # 16-04 Project Name: Chester Plaza Billboard

Applicant/Owner: Regency Management Corp.

Location: 69 Brookside Avenue (B2 Zone)

Re: Construction of Billboard

Presented by Larry Torro

Larry Torro, PE, provided an overview of the request:

- Previously obtained conditional site plan approval in June 2016;
- The applicant researched the proposed location and found the visibility unsuitable at that location;
- The applicant is proposing to replace the existing sign and put the proposed billboard in its place at a height of 36' from grade;
- The proposed access road for the previous sign location was approved by NYS DEC. NYS DEC issued a permit for the previous access road.

Planning Board Engineer Mark Edsall's comments were read into the record by Shawn Arnott, EIT (copy attached). A general discussion was held regarding:

- SEQRA – no change to previous SEQRA determination as the proposed project has not drastically changed from the original proposal;

***MOTION** made by Member Rappa, second by Member LaSpina, to **GRANT CONDITIONAL FINAL SITE PLAN APPROVAL**. Conditions of approval are:

1. Payment of all fees;
2. The Planning Board is specifically not determining the appropriate height of the sign. Prior to the issuance of a building permit, the Applicant must obtain the requisite NYS DOT Permit, a NYS DEC Wetlands Permit and a sign permit from the Village of Chester Code Enforcement Officer.

Motion passed 5-0

Project # 16-08 Project Name: The Castle SPA (Zip Line & Addition)

Applicant/Owner: Brian & Alison Leentjes / XLLC & 717, LLC

Location: 107-109 Brookside Avenue (107-2-14.2 & 15 / B2 Zone)

Re: Construct 12' X 40' Platform for a Zip Line and 10,000 square foot addition

Presented James Dillin, PLS

James Dillin, PLS, provided an overview of the request:

- They received approval under project # 16-01 in March 2016 for a proposed 16,000 square foot addition, which has yet to be built;
- The applicant would like more indoor space for additional rides to keep business in the winter months;
- The applicant is proposing a 2 story, 10,000 square foot addition and construction of a zip line;
- The zip line is 670' long with a 150' pole at one end (the ride goes about 130' high). More than half of the zip line will be in the Town of Chester and they have already submitted applications to the Town;
- The applicant would have to add approximately 10 extra parking spaces for the 10,000 square foot addition. All increased parking areas are located in the Town of Chester;
- The applicant will be removing some of the outdoor dining area as well as some of the go kart track to accommodate the proposed zip line;
- It was suggested that SEQRA review be a joint effort between the Town and Village of Chester;
- Discussion was held regarding splitting the application into 2 – one for the addition and one for the zip line and what roles the Town and Village would play in each application.

Planning Board Engineer Mark Edsall's comments were read into the record by Shawn Arnott, EIT (copy attached). A general discussion was held regarding:

- The impact of the zip line on the westbound traffic on Route 17M.

The applicant is on the next Planning Board Work Session agenda on January 5, 2017 at 1:50 PM.

5. **GENERAL DISCUSSION**

Discussion was held regarding the Small Miracles Farm zoning amendments referral from Village Board which involved rezoning a portion of the property from RA to B1 and an amendment to the Code to grant the Planning Board discretion to allow parking in the front yard of a B1 zoned property:

- Draft of the Planning Board report to the Village Board was distributed to the Board members via email;
- Member Winters clarified whether the proposed new zoning would be for existing properties or strictly for new construction;
- Member Jankelunas noted that re-zoning this property to B-1 changes the approved uses for this project as well as future projects;
- CEO John Orr advised that the proposed change to permit parking in the front of a building gives the Planning Board the authority to waive the requirement and it is not a guarantee, so it would be reviewed on a case by case basis. The Planning Board could also put restrictions on the site plan if/when it's approved.

***MOTION** was made by Member Winters, second by Member Jankelunas to **AUTHORIZE CHAIRMAN RAMSDELL TO ISSUE THE REPORT TO THE VILLAGE BOARD AS DRAFTED**. Motion passed 5-0.

Gordon Shehab of 68 High Street commented that there are no billboards in Monroe or Goshen because he believes their codes prohibit billboards. He is concerned with the look of the Village as the proposed billboard at Chester Plaza was approved and another billboard is proposed at The Castle. He is also concerned with the digital billboards being a distraction to drivers on Route 17.

Chairman Ramsdell asked if anyone had anything else to discuss and, as there were no other comments, ***MOTION** was made by Member Winters, second by Member LaSpina, to **ADJOURN THE MEETING**. Motion passed 5-0. Meeting adjourned at 8:15PM.

Respectfully Submitted,


Sandra VanRiper
Planning Board Secretary



Orange County Department of Planning

County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-1, m, &n

Local Referring Board: Village of Chester Planning Board

Applicant: Small Miracles Farm

Project Name: Small Miracles Farm – Proj. #16-07

Proposed Action: Site Plan for development of property with fitness and wellness center in two phases; Phase 1 being the repurposing of existing barn as a fitness center during construction and Phase 2 being construction of a new 24,000 sq. ft. multipurpose building

Reason for County Review: Within 500 feet of the Orange County Heritage Trail

Date of Full Statement: October 20, 2016

Referral ID #: CHV 10-16M

Tax Map #: 105-1-8, 9.1, 28 and 29

Local File #: 16-07

Comments:

The Department has received the above referenced site plan and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We would like to offer the following advisory comments:

Project Processing: The applicant has requested that the proposal for Phase 1 be evaluated at this time, and that the proposal for Phase 2 be evaluated following the Village Board hearing regarding the proposed rezoning for lots 105-1-28 and 105-1-29 from RA to B1. Lots 105-1-8 and 105-1-9.1 were rezoned to B1 in 1992, and the proposed site plan for Phase 1 covers only those lots. While this letter is focused on the evaluation of Phase 1, we have included comments relating to the entire project as well.

Soil Protection: The site contains muckland soils; although these soils are not listed as prime soils or soils of statewide importance for agricultural purposes, they are excellent soils for root crops such as onions and are therefore important to the agricultural tradition of southern Orange County. We advise the Village that reasonable protections should be put into place to protect the existing farmland from potential contamination through stormwater runoff.

County Agricultural District: The property is also located in Orange County Agricultural District No. 1 and is in active agricultural production at this time. We advise the Village that development of this property may result in the New York State Department of Agriculture and Markets determining that the property no longer qualifies for the agricultural tax exemptions it currently receives, and may be subject to a rollback of up to five years.

Principal Aquifer: The site is located directly above a principal aquifer. Although it is unclear whether that would impact the water supply for the Village of Chester, it is a possibility that the materials used in operation of the project could have an impact on the water supply. We advise the Village to have their Department of Public Works review this project to determine whether the water supply is likely to experience negative impacts and what might be done to mitigate those impacts.

Heritage Trail Connection: The proposed project and the Village of Chester as a whole could benefit from development of a connection to the Orange County Heritage Trail. From observation onsite, it appears that the easiest place to create a trail connection would be at the historic train station, located

See reverse side

approximately 400 feet northwest of the project site. We advise the Village to work with the applicant to create a multi-use lane along Greycourt Road that will provide a safe path from the Heritage Trail to the project site (and potentially beyond) for pedestrians and bicyclists. We further advise the Village to do everything possible to create a safe shared lane for bicyclists and motorized vehicles on Main Street, which could bring more trail users downtown. Signage at the train station could help direct users to various points of interest in the Village, potentially including the project.

Habitat Protection: The project is located in an area known to contain habitat suitable for rare, threatened or endangered species or species of special concern. We advise the Village that the New York State Department of Environmental Conservation should be consulted regarding the habitat that exists onsite and what protections need to be put in place, if any.

Archeologically Sensitive Area: The proposed project is known to be in an archeologically sensitive area. We advise the Village to require the applicant to have a Phase IA Archeological Survey done for the property.

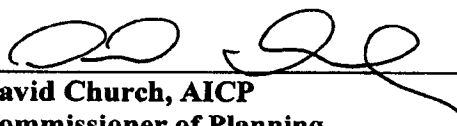
Parking: The applicant proposes to locate the parking in front of the proposed Phase 1 development, and eventually in the front of the Phase 2 development. Although this is not typically permitted in the B1 zone, the Building Inspector has determined that this location has pre-existing front yard parking and the design is therefore permissible. In order to protect the farmland on the project site, we advise the Village that permeable materials should be used for the parking lot, such as gravel or permeable pavement options. We will be happy to provide the Village with information regarding permeable pavement upon request. This option will allow any stormwater to infiltrate onsite, feeding the aquifer and maintaining the mucklands, while naturally filtering out pollutants.

Ownership Information: We have a statement from the applicant that he is the owner of the property and therefore authorized to undertake this development. We understand that the applicant owns the property in partnership; please confirm either that the applicant is the sole owner, or that the other owners of these lots are aware of and support the proposed application.

County Recommendation: Local Determination

Date: November 15, 2016

Prepared by: Megan Tennermann, AICP, Planner


David Church, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available online at www.orangecountygov.com/planning.



Village of Chester
Building and Codes Department
Monthly Report to the Planning Board

December 13, 2016

Current projects that were inspected during the last month:

Meadow Hill Apartments.

- 1- Building #6 now occupied.
- 2- Building #2 interior work continues.
- 3- Building #3 interior work started.
- 4- Building #1 framing almost complete

Steris – 2 Nucifora Blvd.

- 1- Interior work continues.
- 2- Site work continues.

Curtain – 1 Railroad Ave

- 1- Work continues.

Mott – 45 Meadow Ave

- 1- Work continues.

Jean – 7 Vista Dr.

- 1- Garage almost complete.

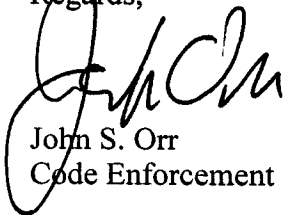
Quinn – 77 Main Street

- 1- Project almost complete.

McDonald's – 73 Brookside Ave

- 1- Issued permit for renovation.
- 2- Renovation well underway.

Regards,



John S. Orr
Code Enforcement Officer



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS D.P.C.**

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VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: ELMWOOD APARTMENTS SITE PLAN & SPECIAL PERMIT
(SENIOR HOUSING PROPOSAL)
PROJECT LOCATION: OFF MAIN STREET and ELM STREET
SECTION 111 – BLOCK 2 – LOTS 7.1 & 3
PROJECT NUMBER: 13-08
MEETING DATE: 13 DECEMBER 2016
CONSULTANT: PIETRZAK & PFAU
PLAN DATE: Revised Drawings dated 11-28-16 (12-drawing set)
DESCRIPTION: THE APPLICATION PROPOSES A MULTI-FAMILY SENIOR HOUSING
RESIDENTIAL SITE PLAN WITH 18 UNITS ON THE 2.6 +/- ACRE SITE.
THE PLAN WAS PREVIOUSLY REVIEWED AT THE 23 JULY 2013,
22 JULY 2014, 24 FEBRUARY 2015, 28 JULY 2015, 25 AUG 2015,
29 SEPT 2015, 27 OCTOBER 2015, 15 DEC 2015, 26 APRIL 2016 AND
27 SEPT 2016 PLANNING BOARD MEETINGS.

1. The project, as currently proposed, involves one 3-story building with eighteen (18) units, half of which are one-bedroom and the other half two-bedroom. The 50/50 mix complies with Section 98-18 (E) of the Code.

The applicant's engineer has submitted a revised plan and cover letter. The applicant notes the following revisions to the application and submitted material:

- Plans have been revised per comments and density has been revised to subtract RS lands from the project area.
 - A revised Short EAF has been submitted to reflect the current proposal.
 - A revised Response Document to Public Comment (dated Nov 2016) has been submitted.
2. We have performed a follow-up review of the plans submitted and provide the following comments:
 - The site building reference to "Building #1" can be removed (all locations) since there are no other buildings proposed on this application.
 - A detail should be provided for the 6 ft. stockade screening fence along the side property lines for lands n/f Predmore and n/f Writer. If the fence has a "finished" side, it should be toward the private properties.

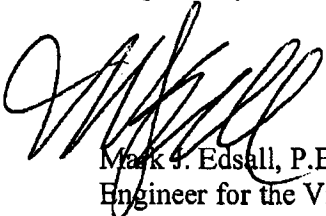
- On detail drawing 10, the sidewalk width should be revised to 6 ft. as per the site plan.
- On detail drawing 10, the text overlap on the left side of the parking lot cross-section detail should be corrected.
- Details regarding the deed restrictions for the conservation easements should be finalized with the Attorney for the Planning Board.

3. From a procedural standpoint, we note the following:

- Lead Agency taken by Planning Board on 7/23/2014
- GML 239 referral – OC Planning “Local Determination” 8/13/15
- Public Hearing Held 9/29/15; 10/27/15; 12/15/15.
- SWPPP – last submittal dated Nov. 2015
- SEQRA determination – pending
- Off-site estimate submitted – Developer’s Agreement – pending
- Conservation Easement Documents - pending

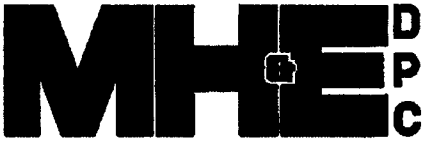
4. Upon review of the resubmittal and status information above by the Planning Board, we will continue our review as deemed appropriate by the Board.

Respectfully Submitted,



Mark F. Edsall, P.E., P.P.
Engineer for the Village

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12 December 2016

VILLAGE OF CHESTER
TECHNICAL REVIEW COMMENTS

PROJECT NAME: ELMWOOD PARK APARTMENTS
TAX LOT/LOCATION: 111-2-7.1 & 3
P.B. PROJECT NUMBER: 13-08
REPRESENTATIVE: PIETRZAK AND PFAU
REVIEW DATE: 12 DECEMBER 2016

The undersigned reviewed the Storm Water Pollution Prevention Plan for the above mentioned project last revised November 2015 on 12 December 2016. The following observations were noted:

1. The applicant has addressed all previous comments in reference to stormwater quantity issues.
2. As the Village of Chester is not an MS4 regulated community, the SWPPP must be forwarded to the NYSDEC for their review process and subsequent approval.

Please feel free to contact the undersigned should you have any questions, comments or require any additional information regarding this matter.

Very Truly Yours,

McGoey, Hauser & Edsall
Consulting Engineers, D.P.C.

Shawn Arnott, E.I.T.
Staff Engineer



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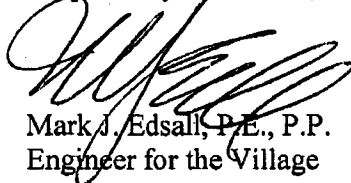
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VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: CHESTER SHOPPING PLAZA SITE PLAN AMENDMENT
(PROPOSED BILLBOARD)
PROJECT LOCATION: 69 BROOKSIDE AVE.
SECTION 110 – BLOCK 6 – LOT 1.111
PROJECT NUMBER: 16-04
DATE: 13 DECEMBER 2016
CONSULTANT: CIVIL TEC ENGINEERING & SURVEYING
PLAN DATE: Revised December 1, 2016
DESCRIPTION: THE APPLICATION PROPOSES A NEW BILLBOARD ALONG NYS
ROUTE 17 ON THE EXISTING MALL SITE. THE APPLICATION WAS
PREVIOUSLY REVIEWED AT THE 22 MARCH 2016, 26 APRIL 2016 AND
24 MAY 2016 PLANNING BOARD MEETINGS.

1. The plan proposes a 14 ft x 48 ft billboard sign, 36 ft. in height. The revised (proposed) location of the sign is that of the existing plaza sign. (effectively the application proposes to replace the plaza sign with the electronic billboard). The type of sign proposed remains a monopole with two separate sign faces, one facing east and one facing west.
2. As previously noted, the following referrals have been made (response status noted):
 - NYSDOT dated 3/28/2016 (applicant will advise on status)
 - Orange County Planning dated 3/28/2016 (Local Determination with recommendations 5/11)
 - Town of Chester dated 3/28/2016 (no response)
3. Procedurally, we note the following:
 - Regarding SEQRA, the Attorney for the Planning Board has advised this is a Type II action.
 - Public Hearing held and closed 5/24/2016.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Engineer for the Village

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CONSULTING ENGINEERS D.P.C.

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VILLAGE OF CHESTER
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: CASTLE FUN CENTER SITE PLAN AMENDMENT (v.17)
(Proposed Building Addition & Zip Line Platform and Tower)
PROJECT LOCATION: NYS ROUTE 17M
SECTION 107 – BLOCK 2 – LOTS 14.2 & 15
PROJECT NUMBER: 16-08
DATE: 13 DECEMBER 2016
CONSULTANT: JAMES A. DILLIN, PLS
PLAN DATE: Plan Dated December 2, 2016
DESCRIPTION: THE APPLICATION PROPOSES AN ADDITION TO THE RECREATION CENTER BUILDING ADDITION AND A ZIP LINE USE. THE PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. As I understand the application and plan, the general scope of the proposed changes are:
 - Addition to Recreation Center Building (additional 5000 s.f. added to application no. 16-01 addition)
 - Removal of Picnic Area and Batting Cages
 - Alter Pavilion Area / Go-kart Pit Area
 - Zip Line Platform and Tower

In addition to these changes in the Village, the applicant has a concurrent application to the Town Planning Board for the "other end" of the zip line, as well as a proposed 4800 sf workshop and additional parking to serve to overall project.

2. The Board should coordinate this application with the Town Planning Board, especially with regard to SEQRA. Overlapping referrals also would seem to include NYSDOT and Orange County Planning.
3. We understand the applicant intends to review the concept of this amendment with the Board and submit additional information (as needed) at future meetings. Our review will progress as additional information is submitted.

Respectfully Submitted,

Mark J. Edsall, P.E., P.P.
Engineer for the Village

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